

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PATRICK LAMONT SIMS, **FILED**

Petitioner,

vs.

06 MAR -2 P12:09

Civil Action No. 04-381E
JUDGE SEAN McLAUGHLIN
MAGISTRATE JUDGE BAXTER

JAMES F. SHERMAN, **CLERK**

Respondent.

MOTION FOR ENLARGEMENT OF TIME

NOW COMES, Petitioner Partick Lamount Sims, in propria persona, and moves this Honorable Court, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, for enlargement of time for filing his objections to the magistrate judge's report and recommendation. In support, the following is respectfully submitted:

1. Mr. Sims is confined at the Federal Correctional Institution at McKean and takes a daily regiment of psychotropic medication.

2. Mr. Sims was assisted by another prisoner when he filed his petition for writ of habeas corpus, pursuant to 28 U.S.C.

§ 2241. That prisoner is no longer confined at FCI McKean.

3. Because Mr. Sims is unable to file his own legal pleadings, he must obtain the assistance of another prisoner to file his objections to the magistrate judge's report and recommendation.

4. Mr. Sims did not receive his copy of the R & R until Friday, February 24, 2006. He then sought assistance from other prisoners, who referred him to the assisting prisoner who helped to formulate this motion on the date below.

5. In order for the assisting prisoner to properly frame the objections to the R & R, he must first review the pleadings filed in this matter, in addition, to researching the law cited

as authority in the R & R.

6. The assisting prisoner can only access Mr. Sims legal material in the designated area of the law library during both his and Mr. Sims leisure time. See CFR § 543.11(i); see attached Copy.

7. The assisting prisoner can only meet with Mr. Sims two hours per week given their conflicting leisure time schedules. Specifically, the assisting prisoner has a job assignment during the day time hours as does Mr. Sims, but the assisting prisoner also teaches classes four nights per week during leisure time hours, and can therefore only meet with Mr. Sims in the law library two nights per week after the evening meal for two hours per night.

9. Given the scheduling limitations, Mr. Sims request a thirty day enlargement of time. The R & R states that objections are due within ten (10) days from the date of service. Mr. Sims received the R & R on Friday, February 27, 2006. Hence, his objections are due for filing by March 6, 2006.

C O N C L U S I O N

WHEREFORE, for the reasons stated above, Petitioner respectfully request this Honorable court to enlarge the time for filing objections to the report and recommendation for 30 days up to and including April 5, 2006.

Date: 2/27/06



Patrick Lamont Sims #13953-039
FCI McKean
P.O. Box 8000
Bradford, PA 16701

CERTIFICATE OF SERVICE

The undersigned certifies that on the date below a true and correct copy of the foregoing was conveyed to prison authorities for mailing in accordance with prison legal mail procedures with first class U.S. postage prepaid and properly addressed to the following party.

Christy C. Wiegand
Assistant U.S. Attorney
U.S. Courthouse and Post Office
700 Grant Street, Suite 400
Pittsburgh, PA 15219

Date: 2/27/06

Patrick L Sims

Patrick Lamon Sims #13953-039
Petitioner/Pro-se
FCI McKean
P.O. Box 8000
Bradford, PA 16701

February 27, 2006

Patrick Lamont Sims #13953-039
Petitioner/Pro-se
FCI McKean
P.O. Box 8000
Bradford, PA 16701

United States District Court
Western District of Pennsylvania
Office of the Clerk
17 South Park Row
Erie, PA 16501

Re: Sims v. Sherman:
Civil No. 04-381E
Judge Sean McLaughlin
Magistrate Judge Baxter

Dear Clerk:

Enclosed for filing please find the original and two copies of Petitioner's "Motion For Enlargement of Time" with Certificate of Service and attachment.

Sincerely,

Patrick L Sims

cc: file
: jc
: enclosure
: AUSA Wiegand